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FILED

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SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Attorneys for Petitioner  
BBC Worldwide Limited t/a BBC Studios (Distribution)

DMR

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CV 18 80 130 MISC

IN RE: DMCA SECTION 512(h)  
SUBPOENA TO DISCORD, INC.

Case No.:

**BBC WORLDWIDE LIMITED T/A BBC  
STUDIOS (DISTRIBUTION)'S REQUEST  
TO THE CLERK FOR ISSUANCE OF A  
SUBPOENA PURSUANT TO 17 U.S.C. §  
512(h) TO IDENTIFY ALLEGED  
INFRINGEMENTS**

Petitioner BBC Worldwide Limited t/a BBC Studios (Distribution) ("BBC Studios"), by and through its undersigned counsel of record, hereby requests that the Clerk of this Court issue a subpoena directed to Discord, Inc. ("Discord") to identify an alleged infringer or infringers, pursuant to the Digital Millennium Copyright Act ("DMCA"), 17 U.S.C. § 512(h) (the "Subpoena"). A copy of the proposed Subpoena is attached hereto as Exhibit 2 to the Declaration of David K. Caplan ("Caplan Decl.").

The requested subpoena relates to infringing material that BBC Studios discovered on the websites <cdn.discordapp.com> and <media.discordapp.net>, which BBC Studios is informed and believes is operated by Discord. The infringing material includes, without limitation, unauthorized copies of copyrighted photographic content from Season 11, Episode 1 of Doctor

BBC WORLDWIDE LTD.'S REQUEST FOR ISSUANCE OF A  
DMCA SECTION 512(H) SUBPOENA TO DISCORD, INC.

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Who, for which BBC Worldwide Limited t/a BBC Studios (Distribution) is the exclusive licensee.

BBC Studios has satisfied the requirements for issuance of a subpoena pursuant to 17 U.S.C. § 512(h), namely:

- (1) BBC Studios has submitted a copy of the notification required by 17 U.S.C. § 512(c)(3)(A). *See* Caplan Decl. ¶ 3, Ex. 1.
- (2) BBC Studios has submitted the proposed Subpoena concurrently herewith. *See* Caplan Decl. ¶ 5, Ex. 2.
- (3) BBC Studios has submitted a sworn declaration confirming that the purpose for which the Subpoena is sought is to obtain the identity of the alleged infringer or infringers, and that such information will only be used for the purpose of protecting rights under Title 17 U.S.C. § 512(h)(2). *See* Caplan Decl. ¶ 4.

Because BBC Studios has complied with the statutory requirements, BBC Studios respectfully requests that the Clerk expeditiously issue and sign the proposed Subpoena pursuant to 17 U.S.C. § 512(h)(4) and return it to the undersigned counsel for service on the subpoena recipient.

DATED: August 3, 2018

Respectfully submitted,

KILPATRICK TOWNSEND & STOCKTON LLP

By:

  
\_\_\_\_\_  
DAVID K. CAPLAN

Attorneys for Petitioner BBC Worldwide Limited t/a  
BBC Studios (Distribution)

